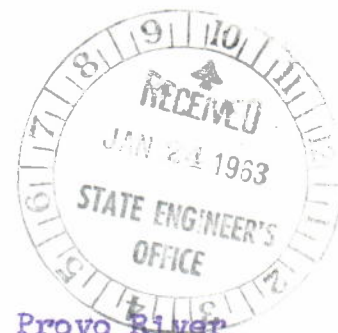


PROVO RIVER DISTRIBUTION SYSTEM

Minutes of Annual Meeting
of Board of Directors

January 9, 1963



Pursuant to the Articles of Association of the Provo River Distribution System, the annual meeting of the Board of Directors convened at 10 a.m. in Room 200 of the Utah County Court House on January 9, 1963, due and timely notice thereof having been given to all board members.

Chairman Niels Andersen of Orem presided.

On roll call the following directors were present:

Ira C. Page, Vice Chairman	- Group 1 - Kamas Valley Canals Group
Sherman A. Giles	" 2 - Upper Provo, East Heber Valley
Floyd Bonner	" 3 - Upper Provo, West Heber Valley
Glenn A. Wright	" 4 - Provo City Canals
Niels Andersen, Chairman	" 6 - Provo Bench Canals
Elmer A. Seal	" 7 - Provo Res. Water Users Co.
Ernest Knight	" 9 - Upper Provo River Individual Rights

Also present were Wallace R. Wayman, Provo River Commissioner; I. F. Baum, deputy commissioner; Leonard S. Walker, President, Provo Bench Canal Co.; Robert B. Porter, Utah Power & Light Co.; and Emil Hansen, Secretary, Metropolitan Water District of Orem.

Absent:

Stanley Roberts	Group 5 - East Provo Canals
Hampton C. Godbe, Sec'y	8 - Provo River Water Users Association

(Note: Mr. Roberts and Mr. Godbe arrived at 10:10 a.m.)

The meeting having been called to order, Chairman Andersen, acting also as Secretary pro tem, informed the Board that the business before it was to make recommendations to the State Engineer for a Commissioner and Deputy Commissioner to serve during 1963; elect officers; adopt an operating budget for 1963; hear committee reports, and to act upon such other business as may be brought to the Board's attention.

ELECTION OF OFFICERS: Incumbents retained.

After discussion thereof, Director Knight moved adoption of the following resolution:

(20) Resolved, that the following officers be reelected to serve during 1963: Niels Anderson, Chairman; Ira C. Page, Vice Chairman; and Hampton C. Godbe, Secretary.

The motion was seconded by Director Seal and adopted with all present voting aye.

(At this point Directors Roberts and Godbe arrived;
the time was 10:10 a.m.)

MINUTES OF THE 1962 ANNUAL MEETING APPROVED

Chairman Andersen called for a reading of the minutes of the annual meeting of the Board of Directors held January 16, 1962 at Provo, Utah. It was then suggested that a reading be waived in the interest of saving time, since copies of the minutes had been sent to each member of the Board and that, unless error had been found in the minutes, they should be adopted. It having been determined that all members of the board had received and read the minutes, and there being no objection, Director Seal moved adoption of the following resolution:

Resolved, that the minutes of the meeting of January 16,
m 1962 shall be and they are hereby approved.

The motion was seconded by Director Page and adopted with all present voting aye.

Director Godbe called attention to the fact that official minutes of the river system are scattered; many of them from years ago are lost, and he urged that hereafter the official minutes be incorporated by the Commissioner in his annual report, together with any other highly important documents, in order to assure their permanent preservation for future reference. Commissioner Wayman said he would be glad so to do, but could not for the current year because his report is already complete. After further discussion Director Godbe moved adoption of the following resolution:

(21) Resolved, that beginning with the report for 1963, official minutes of the Board of Directors, and other documents of importance, be incorporated into and made a part of the Commissioner's annual reports.

The motion was duly seconded and adopted with all present voting aye.

(22) RIVERSIDE COUNTRY CLUB: Request for measuring devices

Chairman Andersen reported that last fall a meeting was held by him and Commissioner Wayman with the State Engineer relative to the absence of measuring devices on canal and other water diversions being made by the Riverside Country Club, so that there is no means of knowing to what extent, if any, the Club might be infringing on prior rights in the Provo River, and also in regard to uncertainty over precise rights which have been acquired by the Country Club.

The matter of the club's rights, he said, was referred to the Attorney General for investigation, while the State Engineer's office promised to investigate the absence of measuring devices.

The Chairman then requested Director Roberts to further explain and diagram the situation as it is believed to exist at the club.

Director Roberts thereupon drew a blackboard diagram, showing two ponds being used by the club to feed two pumping intakes; areas of City Creek dried up during club operations, and suspicion of possible loss of as much as 2½ second feet of Class A water. The dry area of City Creek was inspected on Sept. 28 by Deputy State Engineer Lambert, he said.

There followed considerable discussion in which it was the prevailing view that the Board should further insist on the installation of measuring devices by the Club; that under law the Club must bear the burden of proving that in its uses of water it is not infringing on the rights of prior appropriators, and it was thereupon agreed, without formal motion, to continue the discussion at the meeting with the State Engineer scheduled to be held January 10, 1963 in Provo to determine what his office and the Attorney General had done in the matter.

(23) ASSESSMENTS ON POWER WATER USERS

Chairman Andersen reported that, after negotiations with the Board's special committee named last year (Chairman Andersen, Godbe and Seal) the Utah Power & Light Co. had voluntarily increased its rate of assessment on a basis of 5% of the total budget, this basis being subject to change by the company. (See special minutes of March 23, 1962, reporting details of negotiations). The effect of this was, he said, to increase the company's payment from \$300 provided in the Provo River decree to \$685 for the 1962 year. Because time had almost run out for the levying of assessments, no contacts were made with other agencies paying flat rates fixed by the decree, he reported.

After discussion, it was the view of all present that other flat rate users should be contacted and asked to also voluntarily increase their rate of assessment, using a formula based on that volunteered by the Utah Power & Light Co., and Director Knight thereupon moved adoption of the following resolution:

(23) Resolved, that the committee consisting of Chairman Andersen, Elmer A. Seal and Hampton C. Godbe shall be and is hereby reappointed, and is requested to contact in the immediate future other flat rate users to obtain agreement, if possible, to higher assessment rates.

The motion was seconded by Director Roberts and carried with all present voting aye.

(24) COMMISSIONER'S REPORT FOR 1962 YEAR

At request of the Chairman, Commissioner Wayman reported on progress and bottlenecks in the installation of measuring devices in certain areas. He said the State Engineer and Attorney General were extending excellent cooperation and that he expected necessary

installations to be made as the result of insistence by these state agencies rather than from the use of force account.

Several other matters were touched upon without action being taken, since Commissioner Wayman said his annual report was being bound and should be ready for distribution to Board members at their January 10, 1963 meeting.

Commissioner Wayman also brought up the question of readjusting river loss, now charged at 4% as set in the Provo River Decree, and called attention to loss studies made by him in the release to Utah Lake of water which had been temporarily stored in Deer Creek Reservoir, measured at 1.2% over 13 miles of the river. There followed considerable discussion, in which it was the majority view that to make a full and reasonable accurate study of river losses would require an extensive increase and greater accuracy of measuring devices throughout the river system, and determination of many factors presently unknown; that the cost of such a study would involve a large sum of money and that, since a majority of the users have accepted the decree's 4% figure, it would be unwise to seek to reopen the case at this time.

Commissioner Wayman thereupon said that he would omit such studies in his future work, unless ordered to make them by the Board. Chairman Andersen commended Mr. Wayman for work he has done as commissioner.

Without formal motion, it was the view of all present that the State Engineer should be urged to proceed with all dispatch on the program of measuring device installations.

(25) RECOMMENDATIONS FOR COMMISSIONER AND DEPUTY

The Board then was requested to make recommendations for appointment by the State Engineer of a Commissioner and a Deputy Commissioner to serve during 1963, and Director Roberts thereupon moved adoption of the following resolution:

(25) Resolved, that the Board recommends the re-appointment of Commissioner Wayman and Deputy Commissioner Baum, with a \$200 contract-service fund to be set up for the employment of Sherman Giles two days a month, on the same basis as last year, in order to understudy the deputy commissioner's duties.

The motion was seconded by Director Godbe and was thereupon opened for discussion.

Director Knight said he wished to make it clear that he was not in any sense opposed to Mr. Giles doing such work as a substitute for Mr. Baum, should the latter decide to retire, but that he felt the Board should take applications from others who may be interested for appointment as successors to Mr. Baum, in order to be fair to such other persons.

In the discussion which followed it was the majority view that any successor to Mr. Baum would require considerable training, and that inasmuch as Mr. Giles had already acquired much basic training, he should be continued in this work.

The Chairman thereupon called for a vote on the motion and it carried with all present voting aye.

(26) ANNUAL BUDGET

There being no objection, the Chairman ordered the budget for 1963 to be deferred until the forthcoming conference with the State Engineer, since the annual audit report of the funds and the State Engineer's recommendations may have considerable bearing on the final budget.

(27) NON-MEMBERS ATTENDING ANNUAL BOARD MEETINGS

Question arose as to what policy the Board had in mind regarding attendance at the annual Board meetings of individual water users, and after discussion and without formal motion (in view of actions taken at the annual meeting of January 16, 1962) the policy was declared to be as follows:

(27) Individual water users who have questions or complaints should be urged to air such matters at their annual group meetings, prior to Board meetings, and at such meetings to instruct their elected Director as to appropriate action such users desire the Board to take, and such Director to so report to the Board; it being felt that this method would be more effective for the individual users and be much less time-consuming at the annual Board meeting.

It being provided, however, that any individual in the entire system who has complaint or desires information, or desires to be present at Board meetings if only to learn the nature of business before the Board and actions taken by it, would always be welcomed by the Board at its annual meetings.

(28) RETIREMENT OF EARL CONDOR, WELCOME OF NEW MEMBER

At the opening of the meeting of which these are the minutes, Chairman Andersen noted the retirement of Earl Condor as City Engineer of Provo and hence his retirement from the Board of Directors of the System. He commended Mr. Condor for his many years of fine service, and then, on behalf of the Board, welcomed as Mr. Condor's successor, Mr. Glenn A. Wright, newly appointed City Engineer of Provo. Mr. Wright expressed his appreciation for the Board's friendly attitude.

(29) SECRETARY COMMENDED ON RECORD-KEEPING

Director Bonner took the floor to express appreciation for the manner in which the minutes and records of the Board are being handled by Secretary Godbe, and moved the adoption of a resolution of commendation to him. Having been duly seconded, the motion was passed with all present voting aye, except Mr. Godbe, who abstained from the vote but expressed his sincere thanks to the Board members for according him such an honor. He pledged himself to do his utmost to continue the work.

(30) ADJOURNMENT

The business before it having been accomplished, Director Wright moved that the Board adjourn, to reconvene at 1 p.m. on January 10, 1963 for the annual conference with the State Engineer. The motion was seconded by Director Page and adopted with all present voting aye.

Approved:

/s/ Niels Andersen

Niels Andersen, Chairman

Hampton C. Godbe
Hampton C. Godbe
Secretary